

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14637 of Safeway Stores, Inc., Pursuant to Section 3108.1 of the Zoning Regulations, for a special exception under Section 213 to continue accessory parking in an R-1-B District at the premises 3725-3729 Morrison Street, N.W., (Square 1867, Lot 93).

HEARING DATE: July 22, 1987

DECISION DATE: September 2, 1987

FINDINGS OF FACT:

1. The site is located on the north side of Morrison Street between Connecticut Avenue and Chevy Chase Parkway and is known as premises 3725-3729 Morrison Street, N.W. The site is located in an R-1-B District.

2. The site serves as an accessory parking facility to the Safeway Store located in a C-1 District at 5545 Connecticut Avenue, N.W. which the lot abuts. The lot is located in its entirety within 200 feet of a commercial district.

3. The Board first approved the creation of the subject parking lot in 1967 in BZA Order No. 9217. The Board's last approval for continuance of the lot was in BZA Order No. 13573, dated April 12, 1982. The applicant has complied with all of the conditions of the Board's prior orders.

4. The applicant is seeking a special exception to continue the use of the lot for accessory parking.

5. All circumstances affecting the lot have remained substantially the same since the grant of the previous application.

6. By memorandum dated July 1, 1987 the Department of Public Works (DPW) reported that the lot is in excellent condition and adequately screened from all adjacent neighborhood property. The DPW reported that it had no objection to the continuation of the parking lot.

7. The Board concurs with the recommendation of the DPW but finds that would be desirable to protect the surrounding neighborhood from any adverse effects of the lot.

8. Advisory Neighborhood Commission 3-G by letter dated July 15, 1987, unanimously voted to support the Application with the following conditions:

- (a) That Safeway adhere to the previous Orders of the Board of Zoning Adjustment concerning the operation and maintenance of the parking lot including the provisions that the Morrison Street entrances remain closed and that neither the Safeway nor the parking lot be expanded until at least 1996.
- (b) Safeway shall plant a hedge of eye-level evergreen trees (Canadian Hemlocks or similar low maintenance evergreens growing no higher than 15 feet) along the south side of the lot bordering Morrison Street to screen the lot from the homes on Morrison Street.
- (c) Safeway shall provide employee parking on the lot and discourage employee parking on Morrison Street at all times.
- (d) Safeway shall vigorously enforce its own stated and posted policy of not allowing: (1) commuter parking on the parking lot and; (2) parking on the lot by persons shopping elsewhere, attending the theatre or going to restaurants.
- (e) Safeway shall pick up once per week all debris on Safeway property and in the alley adjoining Safeway property on the north side.

The Board concurs with the reasoning and recommendations of the ANC.

9. By letter dated June 26, 1987, neighbors of the site reported that safeway employees should not park along Morrison Street, the southern edge of the parking lot requires additional landscaping for screening, and that debris from the adjoining alley and east end of the lot should be cleaned up regularly.

10. There was no opposition to the application at the public hearing or of record.

#### CONCLUSIONS OF LAW

The Board concludes that the applicant is seeking a special exception the granting of which requires substantial evidence that the applicant has complied with Section 3108.1 and Section 213 of the Zoning Regulations. The Board concludes that the applicant has demonstrated that all the conditions specified in Paragraph 3108.1 have been met. The parking lot is within 200 feet of a commercial district. All of the conditions of Section 213 are complied

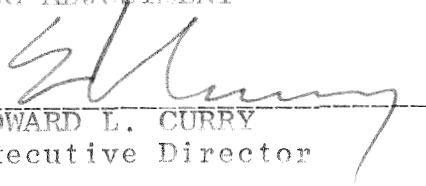
with. The Board further concludes that the agreement between Safeway and the upper Connecticut Avenue Betterment Association will insure that no adverse condition will result from the use of the site as a parking lot. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

1. Approval shall be for a period of FIVE YEARS from the previous Certificate of Occupancy, namely from November 28, 1986.
2. The applicant shall comply with the agreement dated June 16, 1976, between Safeway Stores, Inc. and the Upper Connecticut Avenue Betterment Association marked as Exhibit No. 28 of the record.
3. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
4. No vehicle or any part thereof shall be permitted to project over any lot or building line or over the public space.
5. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.
6. The applicant shall plant a hedge of eye-level evergreen trees, Canadian Hemlocks or another similar low-maintenance evergreens growing no taller than 15 feet along the south side of the lot bordering Morrison Street to provide screening for residents who can see the lot from their homes.
7. The applicant shall provide parking for its employees and shall discourage employee parking on Morrison Street at all times.
8. The applicant shall vigorously enforce its own stated and posted policy of not allowing: (a) commuters to park all day in the lot while taking public transportation downtown; and (b) other people to park their cars in the lot while shopping elsewhere and attending the theater and restaurants.
9. The applicant shall pick up daily all debris on their property and in the alley which adjoins their property on the north side.

VOTE: 5-0 (William F. McIntosh, Charles E. Norris, Paula L. Jewell and Carrie L. Thornhill to grant; John Parsons to grant by proxy).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
EDWARD L. CURRY  
Executive Director

DEC 22 1987

FINAL DATE OF ORDER: \_\_\_\_\_

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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